

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE COMBINED WORLD TRADE CENTER
AND LOWER MANHATTAN DISASTER SITE
LITIGATION

21 MC 102 (AKH)

GUSTAVO MENDOZA AND HADA MENDOZA,
PLAINTIFFS,

**STIPULATION AND ORDER OF
DISMISSAL**

against

Docket No.: 07CV4494

55 WATER STREET CONDOMINIUM, ET. AL.
DEFENDANTS

This order relates to claims against
Envirotech Clean Air, Inc. only in:

ALVIN K. HELLERSTEIN, U.S.D.J.:

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the parties to the above-captioned action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above-entitled action be, and the same hereby is discontinued without prejudice as against defendant, Envirotech Clean Air, Inc. only, without costs to either party as against the other.

IT IS FURTHER STIPULATED AND AGREED, that should facts or circumstances derived from future discovery, or otherwise, come to light that indicate a relationship to the litigation and a basis of a claim against the defendant for whom this Stipulation is being entered,

and/or should it come to light that the information provided by said defendant in support of its request of discontinuance at this time, be discerned in the future to have been inaccurate, false or misleading, plaintiff may re-assert its claim against said defendant by motion, stipulation or otherwise, and without the necessity of additional service of process, and in no event will said defendant raise any state of limitations defense other than as may have been asserted based upon the date of filing of the original action, at the time that the action was originally commenced against said defendant.

This stipulation may be filed without further notice with the Clerk of the Court and defendant will obtain, if necessary, any Judicial "So Order" of this Stipulation and any other signatory, if necessary.

Dated: New York, New York
March 4, 2013

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SO ORDERED: 
HON ALVIN K. HELLERSTEIN 